IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Clarence L. Rhodes,) C/A No.: 1:20-1725-JFA-SVH
Petitioner,))
vs.	ORDER
Warden Bryan K. Dobbs,))
Respondent.))
)

Clarence L. Rhodes ("Petitioner"), proceeding pro se and in forma pauperis, filed this action seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. This matter was referred to the undersigned for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(c) (D.S.C.). This matter is before the court on Petitioner's motion for reconsideration of the undersigned's denial of his motion for bond and expedited review. [ECF No. 22]. For the reasons that follow, Petitioner's motion is denied.

Motions for reconsideration of interlocutory orders are appropriately granted only in narrow circumstances: (1) the discovery of new evidence, (2) an intervening development or change in the controlling law, or (3) the need to correct a clear error or prevent manifest injustice. *American Canoe Ass'n v. Murphy Farms, Inc.*, 326 F.3d 505 (4th Cir. 2003). Petitioner has not

1:20-cv-01725-JFA-SVH Date Filed 09/04/20 Entry Number 26 Page 2 of 2

identified any of the narrow circumstances appropriate for granting a motion

to reconsider.

Instead, Petitioner argues he has met the standard in *United States v.*

Eliely, 276 F. App'x 270, (4th Cir. 2008), because he has shown substantial

constitutional claims on which he has a high probability of success, and

exceptional circumstances making a grant of bail necessary for the habeas

remedy to be effective. The court disagrees. Although Plaintiff relies on the

Fourth Circuit Court of Appeals decision in *United States v. Gary*, the Fourth

Circuit has yet to issue the mandate in Gary. In addition, the court is not

persuaded by Petitioner's argument that his race (African American) and age

(over 40) place him at such a high risk for contracting COVID-19 that it

constitutes exceptional circumstances making a grant of bail necessary. [ECF]

No. 22. Petitioner's motion for reconsideration is denied.

IT IS SO ORDERED.

September 4,2020

Columbia, South Carolina

Shiva V. Hodges

(Shuia V. Hodges

United States Magistrate Judge

2